

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BILLY BINGHAM,

Case No. 20-12686

Plaintiff,  
v.

Stephanie Dawkins Davis  
United States District Judge

A. COFFELT, *et al*,

Defendants.  
\_\_\_\_\_  
/

**OPINION AND ORDER ACCEPTING AND ADOPTING  
THE MAGISTRATE JUDGE'S DECEMBER 14, 2021  
REPORT AND RECOMMENDATION (ECF No. 29)**

Currently before the Court is Magistrate Judge Patricia M. Morris's December 14, 2021 Report and Recommendation. (ECF No. 29). Magistrate Judge Morris recommends granting Plaintiff's motion for leave to amend the complaint and denying Defendant Schubring's motion for summary judgment as moot. As Magistrate Judge Morris explains in her Report, Plaintiff's proposed amended complaint eliminates defendant Schubring as a defendant. The Court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. “[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The Court nevertheless agrees with the

Magistrate Judge's recommended disposition. Therefore, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 29), **GRANTS** Plaintiff's motion for leave to amend the complaint, **DENIES** Defendant Schubring's motion for summary judgment as moot, and **DISMISSES** defendant Schubring as a defendant in this case. Plaintiff's amended complaint, ECF No. 28, is now the operative complaint in this matter and he need not refile it.

**IT IS SO ORDERED.**

Date: February 14, 2022

s/Stephanie Dawkins Davis  
Stephanie Dawkins Davis  
United States District Judge

**CERTIFICATE OF SERVICE**

I certify that on February 14, 2022, I filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to all counsel of record and I mailed by United States Postal Service to the following non-ECF participant:

s/Richard Loury  
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